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03/23/05

Receipt  
PTO/SB/21 (6-99)  
1/24

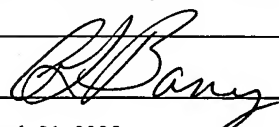
Approved for use through 09/30/2000. OMB 0651-0031

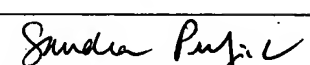
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

		Application Number	10/015,715
		Filing Date	December 12, 2001
		First Named Inventor	Wei-Qiang Gao, et al.
		Group/Art Unit	1647
		Examiner Name	Robert Landsman
Total Number of Pages in This Submission	20 pages	Attorney Docket Number	39780-2830P1C56

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px;">           Copy of Amendment under 37 C.F.R. §1.48(b) and 37 C.F.R. §1.312 as filed; Copy of the Preliminary Amendment as filed; Copy of the Updated Filing Receipt received; and a Return Receipt Postcard         </div>
Remarks	AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 (ATTORNEY DOCKET NO. 39780-2830P1C56) FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.	

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	Anna L. Barry, Reg. No. 51,436, HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	March 21, 2005	Customer Number:	35489/09157

CERTIFICATE OF MAILING (37CFR 1.10)			
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Typed or print name	Sandra Puljic		
Signature		Date	March 21, 2005

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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Wei-Qiang Gao, et al. Docket No.: 39780-2830P1C56  
Serial No.: 10/015,715 Group Art Unit: 1647  
Filing Date: December 12, 2001 Examiner: Robert S. Landsman  
For: **PRO1340 NUCLEIC ACIDS**

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


**REQUEST FOR CORRECTED FILING RECEIPT**

Sir:

Attached is a copy of the official filing receipt received from the USPTO in the above application for which issuance of a corrected filing receipt is respectfully requested. The domestic priority data and foreign applications for this application are incorrectly entered.

The correct priority data, as evidenced by the attached copy of the preliminary amendment filed on August 29, 2002, is:

--This application is a continuation of, and claims priority under 35 USC §120 to, US Application 09/946,374 filed 9/4/2001, which is a continuation of, and claims priority under 35 USC §120 to, PCT Application PCT/US00/04342 filed 2/18/2000, which is a continuation-in-part of, and claims priority under 35 USC §120 to, US Application 09/403,297 filed 10/18/1999, now abandoned, which is the National Stage filed under 35 USC §371 of PCT Application PCT/US99/20111 filed 9/1/1999, which claims priority under 35 USC §119 to US Provisional Application 60/101,916 filed 9/24/1998.--

CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on the date indicated below.			
Express Mail Label: <b>EV 582 629 244 US</b>			
Typed or printed name	Sandra Puljic		
Signature		Date	March 21, 2005

Also enclosed is Applicants copy of the previously filed Amendment under 37 C.F.R. §1.48(b) which correctly names the inventors in this case. Applicants note that the inventors listed under Applicant(s) **should** read:

Wei-Qiang Gao  
Audrey Goddard  
Paul J. Godowski  
Austin Gurney  
William I. Wood

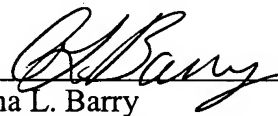
In support, Applicants enclose a copy of the previously filed Amendment under 37 C.F.R. §1.48(b).

Issuance of a Corrected Filing Receipt is respectfully requested.

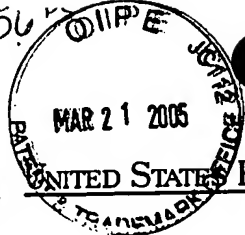
The correction is not due to any error by applicant and no fee is due. However, in the event that a fee is due, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. **08-1641 (Atty. Docket No. 39780-2830P1C56)**.

Respectfully submitted,

Dated: March 21, 2005

  
\_\_\_\_\_  
Anna L. Barry  
Reg. No. 51,436

**HELLER EHRMAN WHITE & McAULIFFE LLP**  
Customer No. 09157/35489  
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GNE.2830P1C56  
GRD/DKJ

UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/015,715	12/12/2001	1645	740	GNE.2830P1C56	249	20	3

CONFIRMATION NO. 4464

## UPDATED FILING RECEIPT



\*OC00000008502859\*

 Ginger R. Dreger  
 Knobbe Martens Olson & Bear  
 Sixteenth Floor  
 620 Newport Center Drive  
 Newport Beach, CA 92660

Date Mailed: 07/24/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

~~Kevin P. Baker, Darnestown, MD;~~  
~~David Botstein, Belmont, CA;~~  
~~Luc Desnoyers, San Francisco, CA;~~  
~~Dan L. Eaton, San Rafael, CA;~~  
~~Napoleone Ferrara, San Francisco, CA;~~  
~~Sherman Fong, Alameda, CA;~~  
~~Wei-Qiang Gao, Palo Alto, CA;~~  
~~Audrey Goddard, San Francisco, CA;~~  
~~Paul J. Godowski, Hillsborough, CA;~~  
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~~Nicholas F. Paoni, Belmont, CA;~~  
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~~Timothy A. Stewart, San Francisco, CA;~~  
~~Daniel Tumas, Orinda, CA;~~  
~~Colin K. Watanabe, Moraga, CA;~~  
~~P. Mickey Williams, Half Moon Bay, CA;~~  
~~William I. Wood, Hillsborough, CA;~~

## Assignment For Published Patent Application

Genentech, Inc.;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/946,374 09/04/2001  
AND CLAIMS BENEFIT OF 60/098,716 09/01/1998  
AND CLAIMS BENEFIT OF 60/098,723 09/01/1998  
AND CLAIMS BENEFIT OF 60/098,749 09/01/1998  
AND CLAIMS BENEFIT OF 60/098,750 09/01/1998  
AND CLAIMS BENEFIT OF 60/098,803 09/02/1998  
AND CLAIMS BENEFIT OF 60/098,821 09/02/1998  
AND CLAIMS BENEFIT OF 60/098,843 09/02/1998  
AND CLAIMS BENEFIT OF 60/099,536 09/09/1998  
AND CLAIMS BENEFIT OF 60/099,596 09/09/1998  
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AND CLAIMS BENEFIT OF 60/102,484 09/30/1998

SEE PRELIMINARY  
AMENDMENT FILED  
8/29/2002; ENCLOSED

AND CLAIMS BENEFIT OF 60/102,487 09/30/1998  
AND CLAIMS BENEFIT OF 60/102,570 09/30/1998  
AND CLAIMS BENEFIT OF 60/102,571 09/30/1998  
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AND CLAIMS BENEFIT OF 60/108,464 10/30/1998  
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CLAIMS BENEFIT OF 60/106,856 11/03/1998  
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AND CLAIMS BENEFIT OF 60/141,037 06/23/1999  
AND CLAIMS BENEFIT OF 60/144,758 07/20/1999  
AND CLAIMS BENEFIT OF 60/145,698 07/26/1999  
AND CLAIMS BENEFIT OF 60/162,506 10/29/1999~~

**Foreign Applications**

~~PCT/US99/00106 01/05/1999  
PCT/US99/20111 09/01/1999  
PCT/US99/21194 09/15/1999  
PCT/US99/28313 11/30/1999  
PCT/US99/28551 12/02/1999  
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PCT/US00/00376 01/06/2000  
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PCT/US01/19692 06/20/2001  
PCT/US01/21066 06/29/2001  
PCT/US01/21735 07/09/2001~~

**If Required, Foreign Filing License Granted 03/20/2002**

**Projected Publication Date: 10/31/2002**

**Non-Publication Request: No**

**Early Publication Request: No**

**Title**

Secreted and transmembrane polypeptides and nucleic acids encoding the same

Preliminary Class

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

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Patent Docket P2830P1C56

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  Kevin P. Baker et al.  Serial No.: 10/015715  Filed: 12/12/2001	Group Art Unit: Not yet assigned  Examiner: Not yet assigned  <div style="border: 1px solid black; padding: 5px;"><p style="text-align: center; margin: 0;">CERTIFICATE OF MAILING</p><p style="margin: 0;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on</p><p style="text-align: right; margin: 0;">August 29, 2002</p><p style="text-align: center; margin: 0;"><i>Patricia Terrill</i> Patricia Terrill</p></div>
--	--

**PRELIMINARY AMENDMENT**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Prior to substantive examination of the above captioned patent application, Applicants respectfully request that the following amendments be entered.

**In the specification:**

Please delete the paragraph at page 1, line 2, that was previously added by preliminary amendment.

Please insert the following new paragraph at page 1, line 2:

**--RELATED APPLICATIONS**

This application is a continuation of, and claims priority under 35 USC §120 to, US Application 09/946374 filed 9/4/2001, which is a continuation of, and claims priority under 35 USC §120 to, PCT Application PCT/US00/04342 filed 2/18/2000, which is a continuation-in-part of, and claims priority under 35 USC §120 to, US Application 09/403297 filed 10/18/1999, now abandoned, which is the

**Patent Docket:** P2830P1C56  
**Serial No.:** 10/015715  
**Filed:** 12/12/2001

National Stage filed under 35 USC §371 of PCT Application PCT/US99/20111 filed 9/1/1999, which claims priority under 35 USC §119 to US Provisional Application 60/101916 filed 9/24/1998.--

Patent Docket: P2830P1C56  
Serial No.: 10/015715  
Filed: 12/12/2001

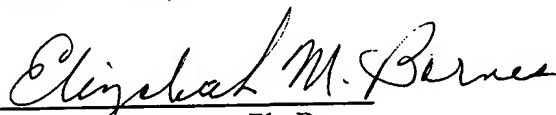
REMARKS

The paragraph at page 1, line 2 that had been added by a previous preliminary amendment has been deleted. A new paragraph beginning at page 1, line 2 has been added to replace the deleted paragraph. The new paragraph lists the documents to which priority is claimed for the instant application. Applicants respectfully request entry of this paragraph for prosecution in this application. The Examiner is invited to contact the undersigned at (650) 225-4563 if any issues may be resolved in that manner.

Respectfully submitted,  
GENENTECH, INC.

Date: August 29, 2002

By:

  
Elizabeth M. Barnes, Ph. D.  
Reg. No. 35,059  
Telephone: (650) 225-4563



09157

PATENT TRADEMARK OFFICE

**Patent Docket: P2830P1C56**

**Serial No.: 10/015715**

**Filed: 12/12/2001**

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the specification:**

The paragraph at page 1, line 2 that had been added by a previous preliminary amendment has been deleted. A new paragraph beginning at page 1, line 2 has been added to replace the deleted paragraph.



**In Re Application of:** Kevin P. Baker et al.

Serial No: 10/015,715

Filed on: December 12, 2001

Mailed on: August 29, 2002

Docket No: P2830P1C56

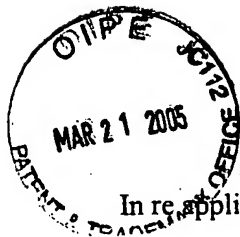
By: Elizabeth M. Barnes

Reg. No.: 35,059

The following has been received by the U.S. Patent Office on the date stamped.

- ☒ Preliminary Amendment
- ☒ Post card





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/015,715

Filed: December 12, 2001

For: PRO1340 NUCLEIC ACIDS

) Examiner: Landsman, Robert S.

) Art Unit: 1647

) Confirmation No: 4464

) Attorney's Docket No. 39780-2830 P1C56

) Customer No. 35489

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AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312

**MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

Please enter the following amendments, and consider the following arguments.

**Amendment to the Claims** begin on page 2.

**Remarks** begin on page 6.

**Amendments to the Claims:**

1-27. (canceled)

28. (previously presented) An isolated nucleic acid encoding a polypeptide having at least 80% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO:229;
  - (b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;
  - (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or
  - (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,
- wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

29. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 85% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO:229;
  - (b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;
  - (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or
  - (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,
- wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

30. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 90% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO:229;
- (b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;

(c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or

(d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,

wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

31. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 95% sequence identity to:

(a) the amino acid sequence of the polypeptide of SEQ ID NO:229;

(b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;

(c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or

(d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,

wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

32. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 99% sequence identity to:

(a) the amino acid sequence of the polypeptide of SEQ ID NO:229;

(b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;

(c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or

(d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,

wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.



33. (currently amended) An isolated nucleic acid comprising:

- (a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229;
- (b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide-of SEQ ID NO:229;
- (d) the nucleic acid sequence of SEQ ID NO:228;
- (e) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228;

or

[[e]] (f) the full-length coding sequence of the cDNA deposited under ATCC accession number 203268.

34. (previously presented) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229.

35. (previously presented) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229, lacking its associated signal peptide.

36. (previously presented) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide-of SEQ ID NO:229.

37. (canceled)

38. (previously presented) The isolated nucleic acid of Claim 33 comprising the nucleic acid sequence of SEQ ID NO:228.

39. (previously presented) The isolated nucleic acid of Claim 33 comprising the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228.

40. (previously presented) The isolated nucleic acid of Claim 33 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 203268.

- 41. (canceled)
- 42. (canceled)
- 43. (canceled)
- 44. (previously presented) A vector comprising the nucleic acid of Claim 28.
- 45. (previously presented) The vector of Claim 44, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.
- 46. (previously presented) An isolated host cell comprising the vector of Claim 44.
- 47. (previously presented) The isolated host cell of Claim 46, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.

### **REMARKS**

Claims 28-36, 38-40 and 44-47 stand allowed in this application. With this amendment, letter (e) has been replaced with letter (f) in order to remove duplication in numbering within Claim 33 and to improve the clarity of the claim. No new matter is added by way of the claim amendment.

Applicants respectfully request entry of the claim amendment.

### **INVENTORSHIP**

In the above identified application, a Notice of Allowance was mailed on December 30, 2004, but an issue fee has not been paid. Having reviewed the allowed claims, Applicants have found that as a result of claim amendments made during prosecution, fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the present application. Accordingly, please **delete** the names of the following inventors, who have not made an inventive contribution to the currently claimed subject matter:

<b>Kevin P. Baker</b>	<b>David Botstein</b>
<b>Luc Desnoyers</b>	<b>Dan L. Eaton</b>
<b>Napoleone Ferrara</b>	<b>Sherman Fong</b>
<b>J. Christopher Grimaldi</b>	<b>Kenneth J. Hillan</b>
<b>James Pan</b>	<b>Nicholas F. Paoni</b>
<b>Margaret Ann Roy</b>	<b>Victoria Smith</b>
<b>Timothy A. Stewart</b>	<b>Daniel Tumas</b>
<b>Colin K. Watanabe</b>	<b>P. Mickey Williams</b>

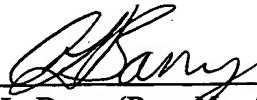
Upon entering the present amendment, Wei-Qiang Gao, Audrey Goddard, Paul J. Godowski, Austin Gurney and William I. Wood remain named inventors in this case.

Please charge the fee of \$130.00 and/or any fees that might become applicable, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39780-2830 P1C56. Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: March 7, 2005

By: \_\_\_\_\_

  
Anna L. Barry (Reg. No. 51,436)

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